

363. Primary definition of marriage ; taboos and conventionalization. The definition of marriage consists in stating what, at any time and place, the mores have imposed as regulations on the relations of a man and woman who are cooperatively carrying on the struggle for existence and the reproduction of the species. The regulations are always a conventionalization which sets the terms, modes, and conditions under which a pair may cohabit. It is, therefore, impossible to formulate a definition of marriage which will cover all forms of it throughout the history of civilization. In all lower civilization it is a tie of a woman to a man for the interests of both (or of the man). It follows that the sex relation has been a great arena for the use and perfection of the mores, since personal experience and reflection never ceased, and a great school for the education of the race in the use of intelligence, the development of sympathetic sentiments, and in a sense of the utility of ethical regulations. The sex taboo is the set of inhibitions which control and restrain the intercourse of the sexes with each other in ordinary life. At the present time, in civilized countries, that intercourse is limited by taboo, not by law. The nature and degree of the taboo are in the mores. Spanish, French, English, and American women, in the order named, are under less and less strict limitations in regard to ordinary social intercourse with men. The sex taboo could, therefore, be easily pursued and described through the whole history of civilization and amongst all nations. It seems to be arbitrary, although no doubt it has always been due, in its origin, to correct or incorrect judgments of conditions and interests. It is always conventional. That, it

has been and is  
recognized is the sum of its justification. When  
Augustine met  
the objection that Jacob had four wives he  
replied that that  
was no crime, because it was under the custom  
(*mos*) of Jacob's  
time.<sup>1</sup> This was a complete answer, but it was an  
appeal to the  
supreme authority of the mores.  
364. Family, not marriage, is the institution.  
Although we  
speak of marriage as an institution, it is only an  
imperfect one.  
It has no structure. The family is the  
institution, and it was

<sup>1</sup> *Decret. Gratian*, II, c. XXXII, qu. iv, c. 7.